

Executive Summary – Enforcement Matter – Case No. 43804
E. I. du Pont de Nemours and Company
RN100542711
Docket No. 2012-0624-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Dupont Sabine River Works, 3055 Farm-to-Market Road 1006, Orange, Orange County

Type of Operation:

Chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes If Yes, docket numbers of other actions:

2012-1198-IWD-E and 2012-2344-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 18, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$20,251

Amount Deferred for Expedited Settlement: \$4,050

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$8,101

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$8,100

Name of SEP: Texas PTA Clean School Buses

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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E. I. du Pont de Nemours and Company
RN100542711
Docket No. 2012-0624-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 26, 2012

Date(s) of NOE(s): February 28, 2012

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, 720 pounds ("lbs") of ethylene, 234 lbs of vinyl acetate, and 20 lbs of carbon monoxide were released from the D Unit's No. 2 Hyper Compressor during an emissions event that began on September 24, 2011, and lasted for one minute (Incident Number 159592) [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 20204, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") O2055, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to prevent unauthorized emissions. Specifically, 638 lbs of ethylene and 248 lbs of vinyl acetate were released from the D Unit's No. 4 Recycle Compressor during an emissions event that began on December 7, 2011, and lasted for five hours and 28 minutes (Incident Number 162536) [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 20204, SC No. 1, FOP O2055, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to prevent unauthorized emissions. Specifically, 4,079 lbs of ethylene were released from the D Unit's atmospheric vent during an emissions event that began on January 7, 2012, and lasted for 40 minutes (Incident Number 163480) [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 20204, SC No. 1, FOP O2055, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures at the Plant:

- a. By January 10, 2012, revised the No. 2 Hyper Compressor's start-up procedure and incorporated a checklist to assist operators in ensuring all valves have been properly operated prior to startup, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 159592;
- b. By January 16, 2012, trained personnel and re-emphasized with D-Unit operators the importance of adhering to procedures, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 163480; and

Executive Summary – Enforcement Matter – Case No. 43804
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c. By March 23, 2012, developed a process requiring approval prior to work for the D and G Unit fire protection circuits, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 162536.

Technical Requirements:

The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Kimberly Morales, Enforcement Division, Enforcement Team 5, R-12, (713) 422-8938; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: John R. Laughlin, Site Manager, E. I. du Pont de Nemours and Company, P.O. Box 1089, Orange, Texas 77631-1089

Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-0624-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|-------------------------------|--|
| Respondent: | E. I. du Pont de Nemours and Company |
| Penalty Amount: | Sixteen Thousand Two Hundred One Dollars (\$16,201) |
| SEP Offset Amount: | Eight Thousand One Hundred Dollars (\$8,100) |
| Type of SEP: | Pre-approved |
| Third-Party Recipient: | Texas PTA - <i>Texas PTA Clean School Buses</i> |
| Location of SEP: | Texas Air Quality Control Region 106 - Southern Louisiana - Southeast Texas |

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas PTA** for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

b. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today's level and by reducing hydrocarbons.

E. I. du Pont de Nemours and Company
Agreed Order - Attachment A

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order with the contribution to:

Director of Finance
Texas PTA
7600 Chevy Chase Drive
Building 2, Suite 300
Austin, Texas 78752

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

E. I. du Pont de Nemours and Company
Agreed Order - Attachment A

In the event of incomplete performance, Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

| | | | | | | |
|--------------|-----------------|------------|------------------|-------------|----------------|-------------|
| DATES | Assigned | 5-Mar-2012 | Screening | 13-Mar-2012 | EPA Due | 30-Nov-2012 |
| | PCW | 5-Apr-2012 | | | | |

RESPONDENT/FACILITY INFORMATION

| | | | |
|-----------------------------|--------------------------------------|---------------------------|-------|
| Respondent | E. I. du Pont de Nemours and Company | | |
| Reg. Ent. Ref. No. | RN100542711 | | |
| Facility/Site Region | 10-Beaumont | Major/Minor Source | Major |

CASE INFORMATION

| | | | |
|--|-----------------|------------------------------|--------------------|
| Enf./Case ID No. | 43804 | No. of Violations | 3 |
| Docket No. | 2012-0624-AIR-E | Order Type | 1660 |
| Media Program(s) | Air | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Kimberly Morales |
| | | EC's Team | Enforcement Team 5 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|---|-------------------|----------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$11,250 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

| | | | |
|---------------------------|--------------------|--------------------------------|----------|
| Compliance History | 100.0% Enhancement | Subtotals 2, 3, & 7 | \$11,250 |
|---------------------------|--------------------|--------------------------------|----------|

Notes Enhancement for eight NOV's with same/similar violations, 33 NOV's with dissimilar violations, 14 orders with denial of liability, and two orders without denial of liability.

| | | | | |
|--------------------|----|------------------|-------------------|-----|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------------------|-------------------|-----|

Notes The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|---------|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$2,249 |
|--|-------------------|---------|

| | | | |
|-------------------------|-------------------|-------------------|-----|
| Economic Benefit | 0.0% Enhancement* | Subtotal 6 | \$0 |
|-------------------------|-------------------|-------------------|-----|

Total EB Amounts \$12
Approx. Cost of Compliance \$2,400
*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$20,251 |
|-----------------------------|-----------------------|----------|

| | | | |
|---|------|-------------------|-----|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
|---|------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$20,251 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$20,251 |
|-----------------------------------|-------------------------------|----------|

| | | | |
|-----------------|-----------------|-------------------|----------|
| DEFERRAL | 20.0% Reduction | Adjustment | -\$4,050 |
|-----------------|-----------------|-------------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$16,201 |
|------------------------|----------|

Screening Date 13-Mar-2012

Docket No. 2012-0624-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 43804

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 8 | 40% |
| | Other written NOVs | 33 | 66% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 14 | 280% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 2 | 50% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |
| Please Enter Yes or No | | | |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 436%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for eight NOVs with same/similar violations, 33 NOVs with dissimilar violations, 14 orders with denial of liability, and two orders without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 436%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 13-Mar-2012

Docket No. 2012-0624-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 43804

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 20204, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") O2055, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 8, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 720 pounds ("lbs") of ethylene, 234 lbs of vinyl acetate, and 20 lbs of carbon monoxide were released from the D Unit's No. 2 Hyper Compressor during an emissions event that began on September 24, 2011, and lasted for one minute (Incident No. 159592). The event occurred when a discharge rupture disc failed due to a discharge guard valve that was left in the closed position. Since this emissions event could have been avoided through better maintenance and/or operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| | Major | Moderate | Minor |
|-----------|-------|----------|-------|
| Release | | | |
| Actual | | | X |
| Potential | | | |

Percent 15.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | X |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

(mark with x)

Notes

The Respondent completed corrective actions on January 10, 2012, prior to the NOE dated February 28, 2012.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company

Case ID No. 43804

Reg. Ent. Reference No. RN100542711

Media Air

Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$200 | 24-Sep-2011 | 10-Jan-2012 | 0.30 | \$0 | \$4 | \$4 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated costs to change procedures and initiate a checklist to assist operators. The Date Required is the date of the emissions event. The Final Date is the date that procedures were revised and approved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$4

Screening Date 13-Mar-2012

Docket No. 2012-0624-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 43804

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 20204, SC No. 1, FOP O2055, GTC and STC No. 8, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 638 lbs of ethylene and 248 lbs of vinyl acetate were released from the D Unit's No. 4 Recycle Compressor during an emissions event that began on December 7, 2011, and lasted for five hours and 28 minutes (Incident No. 162536). The event occurred when the fire protection system at the G Unit caused the No. 4 Recycle Compressor to shut down resulting in a release to the atmosphere via the No. 4 Recycle Compressor (Emissions Point Number PL-5N). Since this emissions event could have been avoided through better maintenance and/or operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | X |
| Potential | | | |

Percent 15.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | X |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction

\$375

Before NOV NOV to EDPRP/Settlement Offer

| | | |
|---------------|--|---------------|
| Extraordinary | | |
| Ordinary | | X |
| N/A | | (mark with x) |

Notes

The Respondent completed corrective actions on March 23, 2012, after the NOE dated February 28, 2012.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$7,125

This violation Final Assessed Penalty (adjusted for limits) \$7,125

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company

Case ID No. 43804

Reg. Ent. Reference No. RN100542711

Media Air

Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|-------|------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$200 | 7-Dec-2011 | 23-Mar-2012 | 0.29 | \$0 | \$4 | \$4 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated costs to develop a process to require an approval prior to work. The Date Required is the date of the emissions event. The Final Date is the date that processes were completed and approved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$4

Screening Date 13-Mar-2012

Docket No. 2012-0624-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 43804

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 20204, SC No. 1, FOP O2055, GTC and STC No. 8, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 4,079 lbs of ethylene were released from the D Unit's atmospheric vent during an emissions event that began on January 7, 2012, and lasted for 40 minutes (Incident No. 163480). The event occurred when a valve was left in the open position. Since this emissions event could have been avoided through better maintenance and/or operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | X |
| Potential | | | |

Percent 15.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | weekly | |
| | monthly | |
| | quarterly | X |
| | semiannual | |
| | annual | |
| | single event | |

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

| | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|------------|-------------------------------|
| Extraordinary | | |
| Ordinary | X | |
| N/A | | (mark with x) |

Notes

The Respondent completed corrective actions on January 16, 2012, prior to the NOE dated February 28, 2012.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 43804
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost No commas or \$ | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|------------------------------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|------------------------------|---------------|------------|-----|----------------|---------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|---------|------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$2,000 | 7-Jan-2012 | 16-Jan-2012 | 0.02 | \$0 | \$3 | \$3 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated costs to retrain a new employee and emphasize the importance of adhering to procedures. The Date Required is the date of the emissions event. The Final Date is the date that procedures were revised and approved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$3

Compliance History Report

| | | | | |
|-------------------------------------|-------------|--------------------------------------|-------------------------|--------------------|
| Customer/Respondent/Owner-Operator: | CN600128284 | E. I. du Pont de Nemours and Company | Classification: AVERAGE | Rating: 4.72 |
| Regulated Entity: | RN100542711 | DUPONT SABINE RIVER WORKS | Classification: AVERAGE | Site Rating: 14.38 |

| | | | |
|---------------|--------------------------------|----------------------------------|--------------|
| ID Number(s): | AIR OPERATING PERMITS | ACCOUNT NUMBER | OC0007J |
| | AIR OPERATING PERMITS | PERMIT | 1350 |
| | AIR OPERATING PERMITS | PERMIT | 1868 |
| | AIR OPERATING PERMITS | PERMIT | 1895 |
| | AIR OPERATING PERMITS | PERMIT | 1896 |
| | AIR OPERATING PERMITS | PERMIT | 1897 |
| | AIR OPERATING PERMITS | PERMIT | 1898 |
| | AIR OPERATING PERMITS | PERMIT | 1899 |
| | AIR OPERATING PERMITS | PERMIT | 1900 |
| | AIR OPERATING PERMITS | PERMIT | 1901 |
| | AIR OPERATING PERMITS | PERMIT | 1996 |
| | AIR OPERATING PERMITS | PERMIT | 2001 |
| | AIR OPERATING PERMITS | PERMIT | 2055 |
| | AIR OPERATING PERMITS | PERMIT | 2074 |
| | AIR OPERATING PERMITS | PERMIT | 2331 |
| | AIR OPERATING PERMITS | PERMIT | 1882 |
| | POLLUTION PREVENTION PLANNING | ID NUMBER | P00193 |
| | INDUSTRIAL AND HAZARDOUS WASTE | EPA ID | TXD008079642 |
| | INDUSTRIAL AND HAZARDOUS WASTE | SOLID WASTE REGISTRATION # (SWR) | 30019 |
| | INDUSTRIAL AND HAZARDOUS WASTE | PERMIT | 50230 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 93838 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 93700 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 92418 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 72030 |
| | AIR NEW SOURCE PERMITS | PERMIT | 9629 |
| | AIR NEW SOURCE PERMITS | PERMIT | 914 |
| | AIR NEW SOURCE PERMITS | PERMIT | 914A |
| | AIR NEW SOURCE PERMITS | PERMIT | 1423 |
| | AIR NEW SOURCE PERMITS | PERMIT | 1423A |
| | AIR NEW SOURCE PERMITS | PERMIT | 1423B |
| | AIR NEW SOURCE PERMITS | PERMIT | 1423C |
| | AIR NEW SOURCE PERMITS | PERMIT | 2004 |
| | AIR NEW SOURCE PERMITS | PERMIT | 2116 |

| | | |
|------------------------|----------------|------------|
| AIR NEW SOURCE PERMITS | PERMIT | 2490 |
| AIR NEW SOURCE PERMITS | PERMIT | 5745 |
| AIR NEW SOURCE PERMITS | PERMIT | 7021 |
| AIR NEW SOURCE PERMITS | PERMIT | 9176 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 10447 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 11434 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 12967 |
| AIR NEW SOURCE PERMITS | PERMIT | 16327 |
| AIR NEW SOURCE PERMITS | PERMIT | 17157 |
| AIR NEW SOURCE PERMITS | PERMIT | 20204 |
| AIR NEW SOURCE PERMITS | PERMIT | 21236 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 22977 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 23646 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 24252 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 25167 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 26158 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 26325 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 26410 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 28148 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 32733 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 36046 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 37488 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 41263 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 42054 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 44528 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 46790 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 47671 |
| AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | OC0007J |
| AIR NEW SOURCE PERMITS | REGISTRATION | 71863 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75999 |
| AIR NEW SOURCE PERMITS | PERMIT | 49076 |
| AIR NEW SOURCE PERMITS | AFS NUM | 4836100002 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 70647 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 70650 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 71054 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 71338 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 53130 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 56781 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 53324 |

| | | |
|------------------------|--------------|-------|
| AIR NEW SOURCE PERMITS | REGISTRATION | 55710 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 71829 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 72443 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 53572 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 56055 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 73921 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 73779 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76581 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76955 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76580 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76726 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76690 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78770 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78820 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79048 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78445 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79512 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80163 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80331 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79817 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80113 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80740 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80742 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80739 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80738 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80736 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80712 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80930 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81074 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80705 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80706 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80707 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80711 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80743 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81410 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81411 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81431 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81430 |

| | | |
|------------------------|--------------|--------|
| AIR NEW SOURCE PERMITS | REGISTRATION | 81292 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81828 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81587 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 82031 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 83760 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 86825 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 84928 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 95104 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 91170 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 90117 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 95774 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 84794 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 85529 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 90758 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 100124 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 101050 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 101051 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 101160 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 99542 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 99960 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 101075 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 99940 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 101065 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 101055 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 97864 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 101137 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 98907 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 96918 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 98665 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 98924 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 98937 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 101083 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 87511 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 91404 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 91398 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 91433 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 99037 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 98962 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 98635 |

| | | |
|----------------------------|-------------------------------------|--------------|
| AIR NEW SOURCE PERMITS | REGISTRATION | 100489 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 100137 |
| PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | 1810114 |
| STORMWATER | PERMIT | TXR05L392 |
| STORMWATER | PERMIT | TXR15TO94 |
| WATER RIGHTS | ID NUMBER | 4664 |
| WATER LICENSING | LICENSE | 1810114 |
| WASTEWATER | PERMIT | WQ0000475000 |
| WASTEWATER | EPA ID | TX0006327 |
| IHW CORRECTIVE ACTION | SOLID WASTE REGISTRATION # (SWR) | 30019 |
| AIR EMISSIONS INVENTORY | ACCOUNT NUMBER | OC0007J |

Location: 3055 Farm-to-Market Road 1006, Orange, Orange County, Texas

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: March 13, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 13, 2007 to March 13, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Kimberly Morales Phone: (713) 422-8938

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If **YES**, who is the current owner/operator? N/A
4. If **YES**, who was/were the prior owner(s)/operator(s)? N/A
5. If **YES**, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 04/28/2008

ADMINORDER 2007-0760-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 914, SC 7 PERMIT
O-02074, SC 15 OP

Description: Failed to sample cooling tower water according to the requirements of the TCEQ Sampling Procedures Manual Appendix P.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter D 382.085(b)
5C THSC Chapter 382 382.0518(a)

Description: Failed to represent 176 flanges and 88 valves in the permit application for Air Permit No. 914.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1H OP

Description: Failed to monitor 88 valves, and 15 pumps.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to conduct quarterly opacity observations.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 914 SC 9E PERMIT

O-02074 SC 15 OP

O-02074 SC 1A OP

Description: Failed to equip eight OEL's with a cap, blind flange, plug, or a second valve during the certification period of September 1, 2005 through February 28, 2006, and failed to equip 29 OEL's with a cap, blind flange, plug, or a second valve during the certification period of April 11, 2006 through October 10, 2006.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02074 SC 1A OP

Description: Failed to monitor carbon canisters on five different occasions.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 914 SC 4C PERMIT

O-02074 SC 1A OP

Description: Failed to prevent visible emissions at the flare (EPN No. PK-16) for greater than five minutes in any two consecutive hours on two separate occasions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01896 SC 1A OP

Description: Failed to identify and mark two pieces of equipment in benzene service during the certification period of September 1, 2005 to February 28, 2006.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01896 SC 1A OP

Description: Failed to maintain 24 drums containing waste material in a properly sealed position.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02074 SC 1A OP

Description: Failed to determine the annual benzene waste quantity at the point of waste generation and to keep records for those points for the reporting period of April 11, 2006 through October 10, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01896 SC 1A OP

Description: Failed to maintain the fluoride content feed rate below the feed rate of 19 lbs/hr.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to report a reportable emissions event within 24 hours of discovery.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 9176 SC 1 PERMIT

Spec. Cond. 8 OP

Description: Failed to prevent the unauthorized release of air contaminants into the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 20204 SC 1 PERMIT

Description: Failed to prevent the unauthorized release of air contaminants into the atmosphere.

Effective Date: 07/21/2008

ADMINORDER 2008-0037-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 20204, Special Condition 1 PERMIT

O-02055, General Terms and Conditions OP

O-02055, Special Condition 8 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Effective Date: 08/29/2008

ADMINORDER 2007-1755-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)

Description: November 2004 - 4 days with a low CT for more than 4.0 consecutive hours. Treatment Technique Violation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)
30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)

Description: December 2005 - 4 days with a low concentration time for more than 4 consecutive hours.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)
30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)

Description: January 2006 - 3 days with a low concentration time for more than 4 consecutive hours.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)

30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)

30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)

Description: February 2006 - 1 day with a low concentration time for more than 4 consecutive hours.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)
30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.111(f)(5)

Description: May 2006 - 1 day with combined filter effluent turbidity readings above 1.0 NTU.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.111(f)(5)

Description: May 2006 - 32.7% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)

Description: May 2006 - 1 day when concentration time data were not collected.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.111(f)(5)

Description: December 2006 - 52.2% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.111(f)(5)

Description: January 2007 - 32.5% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.

Effective Date: 10/23/2008

ADMINORDER 2008-0499-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 9176, Special Condition 1 PERMIT
O-02001, General Terms and Conditions OP
O-02001, Special Condition 8 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-02001, General Terms and Conditions OP
O-02001, Special Condition 8 OP
Permit 9176, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Effective Date: 10/23/2008

ADMINORDER 2004-1135-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110
5C THC Chapter 382, SubChapter A 382.085(b)

Description: failing to use an approved EPA method to determine the concentration of substances in the cooling water of the Adiponitrile ("ADN") Unit, as documented during an investigation on May 21, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 914 Special Condition 15.I. PA

Description: failing to repair 72 components (valves) in VOC service during the April 23, 2003 to May 27, 2003 shutdown, as documented during a June 8, 2003 investigation. Specifically, from April 14, 1998 through April 23, 2003 approximately 100 components had been placed on the shutdown list, however, 72 components were not repaired during the shutdown. The investigator estimates that these valves released 2.02 tons of emissions.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limitations and Monitoring R 1 PERMIT
Effluent Limitations PERMIT

Description: failing to comply with effluent limits for outfalls 101A and 201A, as documented on March 20, 2002 and January 10, 2003 during records reviews. See Effluent Limit Violation Table ("Attachment G") for details concerning the violations.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 914, SC 1 PERMIT

914, SC 2 PERMIT

914, SC 4 PERMIT

Description: failing to maintain an emissions rate below the authorized emission rate for an emissions event that occurred on October 20, 2003, as documented by an investigation on October 20, 2003.

Specifically, the Plant released 3,259 pounds of NOx, 16,946 pounds of CO, 7,686 pounds of ethylene, 962 pounds of 1, 3 butadiene, 471 pounds of benzene, 41 pounds of butane, 75 pounds of pentane, 43 pounds of propane, 187 pounds of propylene, 14 pounds of propadiene, 38 pounds of butylenes, 78 pounds of

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failing to prevent unauthorized emissions released at the D-Unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: MAERT PERMIT

Description: failing to comply with an emissions limitation as documented by an investigation occurring from April 16, 2004 through April 30, 2004. Since the emissions events were avoidable or not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222. See Table 5 ("Attachment F") for details concerning the emission events.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: failing to include all required information on the final report of an emissions event as documented by an investigation occurring from April 16, 2004 through April 30, 2004. Specifically, the authorized emission limits, individually listed compounds and facility identification number ("FIN") were not included in the final report for an unauthorized emission event that occurred on October 20, 2002.

Additionally, there was a failure to notify the TCEQ within 24 hours of the event.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(i)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1302/ General Condition MAERT PERMIT

1790/General Condition MAERT PERMIT

9629 PERMIT

Description: Failing to maintain emission rate below the permitted limit as documented by an investigation occurring from April 16, 2004 through April 30, 2004. Since the emissions events were avoidable or not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222. See Table 5 ("Attachment F") for details concerning the emission rate.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: failing to include all required information on the final reports of emissions events as documented by an investigation occurring from April 16, 2004 through April 30, 2004. Specifically, the

authorized emission limits and facility identification number ("FIN") were not included in the final report for an unauthorized emission event that occurred on November 4, 2002, December 20, 2002 and December 30, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: exceeding the Maximum Contaminant Level of 0.060 milligrams per liter based on a running annual average for haloacetic acids (HAA5) during the First Quarter 2004 as documented by an investigation on March 10, 2004. Specifically, the level for the first quarter 2004 was 0.684 milligrams per liter with a running average of 0.171 milligrams per liter for 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 9176 and 20204/MAERT PERMIT

Description: failing to comply with an emissions limitation by allowing 11 unauthorized emissions events as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Since the emissions event was avoidable or not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222. See Table 1 ("Attachment B") for details concerning the 11 emissions events.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: failing to properly notify the TCEQ regional office of reportable emissions events as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. See Table 2 ("Attachment C") for details concerning the reportable emissions events.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.207(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: failing to maintain an emission rate below the allowable plant wide oxides of nitrogen ("NOx") limit as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Specifically, the established NOx emissions plant wide limit on the GE PG711 83 MW Turbine, EPN PG-14, is 180.100 pounds/hour. On May 23, 2003, from 07:15-08:15 hours, a reportable emissions event occurred at the Cogeneration Area which resulted in the release of 532.590 pounds of nitrogen oxide ("NO") and 266.140 pounds

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 914/MAERT PERMIT

Description: failing to comply with an emissions limitation on June 25, 2003 from 12:28 to 12:37 hours when a Plant wide incident caused an electrical upset resulting in equipment shutdowns which caused several reportable emissions events including the release of 49,050 pounds of propylene from the Propylene Feed Header, Emissions Point Number ("EPN") DA01401, as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Since the emissions event was avoidable, Du Pont failed to meet the

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: failing to notify the TCEQ regional office of two reportable emissions events within 24 hours as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. See Table 2 ("Attachment C") for details concerning the reportable emissions events.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 914, Special Condition 1 PERMIT

Description: failing to maintain an emission rate below the MAERT limits as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Since the emissions event was avoidable, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222. See Table 3 ("Attachment D") for details concerning the emission rate.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)

30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1302, Special Condition 2 PERMIT

Description: failing to properly operate a flare as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Specifically, on June 25, 2003, from 12:15 to 12:30 hours, an emissions event occurred that resulted in the ADN Operating Flare, EPN PP-3, smoking for a duration of 15 minutes which is more than the five minutes allowed in any consecutive two hour period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Conditions 1, 2, and 4 PERMIT

Description: failing maintain an emissions rate below the allowable emission limit as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Specifically, on June 25, 2003, from 12:15 to 13:45 hours, the Plant released 7,789 pounds of carbon monoxide ("CO"), 1,359.45 pounds of NO and 1 pound NOx from the Ethylene Operating Flare CB-801 for a duration of 1 hour 30 minutes. Additionally, the Respondent reported that the Ethylene Operating Flare CB-801 smoked for approximately 1 hour 30

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failing to submit complete information regarding reportable emission events that occurred between November 28 and November 29, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1302, General Condition 8 PERMIT

Description: failing to comply with permitted emissions limits. Specifically, during the improperly reported event that began on November 28, 2003, the authorized emissions limits for nitrogen oxides ("NOx") from the Operating Flare (EPN PP-3) were 20 pounds per hour, and the flare emitted 35.7 pounds per hour of NOx over a period of 19 hours. Since the emissions event was not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: failing to maintain an emission rate below the allowable emission limits as documented by an investigation occurring from February 2, 2005 through February 11, 2005. Specifically, on September 29, 2004, unauthorized emissions occurred during a reportable emissions event at the Building 572 High Pressure Separator Stack and Reactor Dump Stack. Simultaneously during a one minute period starting at 09:27 hours, 1,890 pounds of volatile organic compounds ("VOC") and 210 pounds of VOC were emitted

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 9176, Emission Standards 1 PERMIT

Description: failing to prevent unauthorized emissions as documented by an investigation on July 25, 2005. Specifically, on July 26, 2004, during a reportable emissions event at the Blender Fines Collector Vent EPN PLUM-C, unauthorized emissions of 340 pounds of ethylene and 42 pounds of particulate

matter ("PM") resulted during a 17 hour 3 minute period. Since the emissions event was not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: failing to properly notify the TCEQ regional office of a reportable emissions event with 24 hours as documented by an investigation on July 25, 2005. The emissions event of July 26, 2004 began at 13:27 hours but was not reported until July 29, 2004 at 14:45 hours.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: failing to comply with the final record requirements for an emissions event as documented by an investigation on July 25, 2005. The final report for the April 8, 2005 emissions event did not identify or quantify the amount of CO released, the NOx emissions were not speciated and the authorized limits were not properly reported for EPN PP-3.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1302, GC 8 PERMIT

Description: failing to maintain an emission rate limit as documented by an investigation on July 25, 2005. Specifically, on April 8, 2004 during a two hour emissions event 840.06 pounds of NOx and 307 pounds of hydrogen cyanide were released in excess of permit limits from EPN PP-3. Since the emissions event was not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 20204, Special Condition 1 PERMIT

Description: failing prevent unauthorized emissions as documented by an investigation on July 25, 2005. Specifically, on March 29, 2005, during an emissions event at the G-Unit, unauthorized emissions of 502.3 pounds of ethylene and 195.7 pounds of vinyl acetate were released from the Number 4 Recycle Compressor Fire Protection Dump, EPN PL-5H, during a three minute period. Since the emissions event was avoidable, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

Rqmt Prov: Effluent Limitations and Monitoring PERMIT

Description: failing to comply with the permit limit for pH range excursions for more than 60 minutes at outfall 001 as documented on March 20, 2002 and January 10, 2003 during records reviews.

Effective Date: 04/20/2009

ADMINORDER 2008-1315-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Effective Date: 05/18/2009

ADMINORDER 2008-0971-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 914, Special Condition 1 PERMIT
O-02074, General Terms and Conditions OP

O-02074, Special Condition 15 OP

Description: Failure to maintain an emission rate below the allowable emission limit. Incident 102860.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 9176, Special Condition 1 PERMIT

O-02001, General Terms and Conditions OP

O-02001, Special Condition 8 OP

Description: Failure to maintain an emission rate below the allowable emission limit. Incident 103221.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 OP

Special Condition 8 PERMIT

Description: Failure to notify the agency within 24 hours of the discovery of an emissions event.

Specifically, the reportable event report for the February 2, 2008, emissions event was not submitted 24 hours after the discovery of the event.

Effective Date: 06/01/2009

ADMINORDER 2008-1923-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)

Description: Failed to provide an air gap connection to waste for the FTW connection at the Facility.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)

Description: Failed to identify the chlorine dioxide line every five feet either by the use of a label or by various colors of paint.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)

Description: Failed to post a sign at the raw water intakes warning that a restricted zone has been established and that all recreational activities and trespassing is prohibited within the area.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)

Description: Failed to install a backflow prevention assembly or an air gap at all locations where an actual or potential contamination hazard exist.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(A)

Description: Failed to provide disinfection equipment with a capacity of at least 50% greater than the highest expected disinfectant dosage.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failed to maintain an up-to-date plant operations manual for operator review and reference.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Description: Failed to maintain the Facility's clearwell in strict accordance with current AWWA standards.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to maintain the residual disinfectant concentration in the water of at least 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failed to provide an up-to-date map of the distribution system.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(D)

Description: Failed to properly locate the filter so that common walls do not exist between the filter and aerators, mixing, and sedimentation basins or clearwells.

Effective Date: 06/15/2009

ADMINORDER 2008-1817-AIR-E

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 2F OP

Description: Failure to submit an initial report within 24 hours for TCEQ Incident No. 110539.

Effective Date: 07/09/2009

ADMINORDER 2008-1167-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR Permit No. 9629, SC 12 PERMIT
O-02331 General Terms and Conditions OP
O-02331 Special Condition 6 OP

Description: Failed to operate the Cogeneration Train, emission point number ("EPN") PG-14, at or below the nitrogen oxide ("NOx") concentration limit of 96 parts per million ("ppm") four times between September 25 and November 11, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.140(c)(1)
30 TAC Chapter 117, SubChapter B 117.140(e)
30 TAC Chapter 117, SubChapter B 117.340(c)(1)
30 TAC Chapter 117, SubChapter B 117.340(f)(1)
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(B)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b(f)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(b)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 9629 Special Condition 3 PERMIT
O-02331 General Terms and Conditions OP
O-02331 Special Condition 1A OP
O-02331 Special Condition 1D OP
O-02331 Special Condition 4B OP
O-02331 Special Condition 4F OP
O-02331 Special Condition 6 OP

Description: Failed to conduct a Relative Accuracy Test ("RAT") and a 7-day Calibration Drift ("CD") test on a NOx analyzer in the Cogeneration Unit, which resulted in the inability to certify that the continuous emissions monitoring system ("CEMS") was operating properly.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.140(d)
30 TAC Chapter 117, SubChapter B 117.140(e)

30 TAC Chapter 117, SubChapter B 117.340(e)
 30 TAC Chapter 117, SubChapter B 117.340(f)(1)
 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(B)(iii)
 30 TAC Chapter 117, SubChapter G 117.8120(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b(f)(1)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: 9629 Special Condition 3 PERMIT
 O-02331 General Terms and Conditions OP
 O-02331 Special Condition 1A OP
 O-02331 Special Condition 1D OP
 O-02331 Special Condition 4B OP
 O-02331 Special Condition 4F OP
 O-02331 Special Condition 6 OP

Description: Failed to conduct a RAT and a 7-day CD test on a carbon monoxide ("CO") analyzer in the Cogeneration Unit, which resulted in the inability to certify that the CEMS was operating properly.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: 9176, Special Condition 1 PERMIT
 O-02001, General Terms and Conditions OP

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-02001 General Terms and Conditions OP
 O-02001 Special Condition 2G OP

Description: Failed to submit a final record for an emissions event (Incident No. 105482) within two weeks after the end of the event. The initial report was submitted timely, but the emissions amounts and duration subsequently changed, and a final record with the corrected information was not submitted by April 17, 2008 (two weeks after the event that ended on April 3, 2008). On June 1, 2008, the correct amount and duration of emissions was submitted via electronic mail.

Effective Date: 10/04/2009

ADMINORDER 2009-0285-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
 Special Condition 1 PERMIT
 Special Condition 15 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
 Special Condition 1 PERMIT
 Special Condition 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
Rqmt Prov: O-02001 Special Condition 2F OP
Description: Failure to submit an initial report within 24 hours for T CEQ Incident No. 116375.

Effective Date: 10/31/2009 ADMINORDER 2009-0600-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov: 20204, Special Condition 1 PERMIT
 O-02055, General Terms and Conditions OP
 O-02055, Special Condition 8 OP
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov: 20204 Special Condition 1 PERMIT
 FOP O-02055 General Terms and Conditions OP
 FOP O-02055 Special Condition 8 OP
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov: 914, Special Condition 1 PERMIT
 O-02074, General Terms and Conditions OP
 O-02074, Special Condition 15 OP
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov: 914, Special Condition 1 PERMIT
 O-02074, General Terms and Conditions OP
 O-02074, Special Condition 15 OP
Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 02/07/2010 ADMINORDER 2009-1011-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
 Special Condition 1 PERMIT
 Special Condition 8 OP
Description: Failure to maintain an emission rate below the allowable emission limits (Incident 121831).
Specifically, the emissions event was caused by the Suction Separator, Purge Compressor 1st, 2nd, 3rd, and 4th Stage Blowdowns, and Wax Tank Vent being left open to atmosphere during a maintenance activity on the C Unit Flare Header Guard Valve.

Effective Date: 07/11/2010

ADMINORDER 2009-1958-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 15 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 15 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL CONDITIONS OP
SC 1 PERMIT
SC 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 03/19/2011

ADMINORDER 2010-0839-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL CONDITIONS OP
SC 1 PERMIT
SC 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 335, SubChapter H 335.221(a)(15)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Condition X(B)(1)(j) PERMIT
SC 17 OP
SC 1A OP

Description: Failure to comply with the carbon monoxide emission limit of 14.6 lb/hr at the Incinerator as reported in the deviation reports for September 1, 2008, until February 28, 2009, and March 1, 2009, until August 31, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SC 1 PERMIT
SC 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 08/13/2011

ADMINORDER 2011-0208-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT
SC 1A OP

Description: Failure to maintain an emission rate below the allowable emission limits for Incident 146789.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)

Description: Failure to satisfy the final reporting requirements for a reportable emissions event for Incident 145301.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT
SC 1A OP

Description: Failure to maintain an emission rate below the allowable emission limit for Incident 145301.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 05/04/2007(542914)
- 2 05/10/2007 (555087)
- 3 05/21/2007 (556693)
- 4 07/10/2007 (562896)
- 5 07/24/2007 (564002)
- 6 06/29/2007 (564203)
- 7 07/30/2007 (564905)
- 8 06/27/2007 (565892)
- 9 07/19/2007 (565912)

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| 10 | 07/19/2007 | (565918) |
| 11 | 07/19/2007 | (565922) |
| 12 | 07/20/2007 | (565938) |
| 13 | 07/20/2007 | (565942) |
| 14 | 07/20/2007 | (565947) |
| 15 | 08/30/2007 | (567177) |
| 16 | 10/12/2007 | (567973) |
| 17 | 08/03/2007 | (568577) |
| 18 | 09/07/2007 | (572061) |
| 19 | 08/28/2007 | (573506) |
| 20 | 03/14/2007 | (575464) |
| 21 | 04/12/2007 | (575465) |
| 22 | 04/12/2007 | (575466) |
| 23 | 06/07/2007 | (575467) |
| 24 | 07/10/2007 | (575468) |
| 25 | 07/10/2007 | (575469) |
| 26 | 07/17/2007 | (575470) |
| 27 | 10/24/2007 | (594503) |
| 28 | 10/03/2007 | (595357) |
| 29 | 11/20/2007 | (596110) |
| 30 | 01/11/2008 | (598658) |
| 31 | 12/18/2007 | (598952) |
| 32 | 10/10/2007 | (607567) |
| 33 | 09/25/2007 | (607568) |
| 34 | 10/23/2007 | (607569) |
| 35 | 01/17/2008 | (610417) |
| 36 | 03/06/2012 | (612803) |
| 37 | 03/03/2008 | (613811) |
| 38 | 03/14/2008 | (613893) |

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| 39 | 03/03/2008 | (615669) |
| 40 | 03/26/2008 | (618723) |
| 41 | 12/07/2007 | (619563) |
| 42 | 12/07/2007 | (619564) |
| 43 | 06/03/2008 | (639225) |
| 44 | 05/07/2008 | (639558) |
| 45 | 05/05/2008 | (640667) |
| 46 | 08/02/2007 | (645510) |
| 47 | 09/01/2007 | (645773) |
| 48 | 05/07/2008 | (646161) |
| 49 | 05/16/2008 | (646399) |
| 50 | 07/11/2008 | (646408) |
| 51 | 05/15/2008 | (657011) |
| 52 | 05/14/2008 | (657311) |
| 53 | 03/20/2008 | (672084) |
| 54 | 04/17/2008 | (672085) |
| 55 | 03/14/2008 | (672086) |
| 56 | 04/09/2008 | (672087) |
| 57 | 07/09/2008 | (680161) |
| 58 | 08/01/2008 | (680399) |
| 59 | 08/13/2008 | (681995) |
| 60 | 07/22/2008 | (683031) |
| 61 | 08/02/2008 | (683872) |
| 62 | 06/24/2008 | (690014) |
| 63 | 06/03/2008 | (690015) |
| 64 | 10/12/2008 | (699737) |
| 65 | 10/07/2008 | (699790) |
| 66 | 11/18/2008 | (700751) |
| 67 | 10/08/2008 | (701116) |
| 68 | 12/04/2008 | (702017) |

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| 69 | 11/25/2008 | (706867) |
| 70 | 12/22/2008 | (707184) |
| 71 | 01/21/2009 | (709214) |
| 72 | 08/21/2008 | (710791) |
| 73 | 10/24/2008 | (710792) |
| 74 | 10/02/2008 | (710793) |
| 75 | 10/02/2008 | (710794) |
| 76 | 01/13/2009 | (721568) |
| 77 | 01/05/2009 | (722099) |
| 78 | 01/15/2009 | (722163) |
| 79 | 01/26/2009 | (722360) |
| 80 | 01/15/2009 | (722545) |
| 81 | 01/15/2009 | (722549) |
| 82 | 02/03/2009 | (722556) |
| 83 | 01/15/2009 | (722659) |
| 84 | 01/29/2009 | (723620) |
| 85 | 03/25/2009 | (724903) |
| 86 | 02/19/2009 | (725164) |
| 87 | 02/25/2009 | (725736) |
| 88 | 02/20/2009 | (727160) |
| 89 | 02/18/2009 | (735803) |
| 90 | 04/09/2009 | (736595) |
| 91 | 04/08/2009 | (737447) |
| 92 | 03/23/2009 | (737577) |
| 93 | 04/09/2009 | (738127) |
| 94 | 04/21/2009 | (738332) |
| 95 | 04/16/2009 | (740516) |
| 96 | 05/11/2009 | (741609) |
| 97 | 05/06/2009 | (741871) |
| 98 | 06/09/2009 | (743371) |

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| 99 | 06/04/2009 | (744517) |
| 100 | 05/28/2009 | (744747) |
| 101 | 06/19/2009 | (746088) |
| 102 | 07/29/2009 | (748798) |
| 103 | 02/23/2009 | (750317) |
| 104 | 03/25/2009 | (750318) |
| 105 | 04/23/2009 | (750319) |
| 106 | 12/17/2008 | (750320) |
| 107 | 06/18/2009 | (759210) |
| 108 | 06/19/2009 | (759256) |
| 109 | 07/08/2009 | (759430) |
| 110 | 07/23/2009 | (762808) |
| 111 | 09/10/2009 | (762825) |
| 112 | 08/24/2009 | (763327) |
| 113 | 09/24/2009 | (764051) |
| 114 | 10/05/2009 | (764127) |
| 115 | 10/01/2009 | (764835) |
| 116 | 10/05/2009 | (766739) |
| 117 | 11/05/2009 | (767406) |
| 118 | 10/14/2009 | (767507) |
| 119 | 09/11/2009 | (767515) |
| 120 | 10/28/2009 | (767996) |
| 121 | 05/22/2009 | (768403) |
| 122 | 06/14/2009 | (768404) |
| 123 | 09/15/2009 | (775525) |
| 124 | 09/18/2009 | (775871) |
| 125 | 11/05/2009 | (777293) |
| 126 | 11/12/2009 | (777295) |
| 127 | 11/08/2009 | (777517) |
| 128 | 10/23/2009 | (778934) |

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| 129 | 11/03/2009 | (780849) |
| 130 | 11/24/2009 | (781552) |
| 131 | 12/01/2009 | (781997) |
| 132 | 12/22/2009 | (782901) |
| 133 | 12/09/2009 | (784937) |
| 134 | 01/28/2010 | (785297) |
| 135 | 01/28/2010 | (785879) |
| 136 | 01/28/2010 | (788384) |
| 137 | 02/01/2010 | (788600) |
| 138 | 01/28/2010 | (788974) |
| 139 | 02/16/2010 | (791368) |
| 140 | 03/10/2010 | (793096) |
| 141 | 03/22/2010 | (793111) |
| 142 | 03/22/2010 | (794834) |
| 143 | 03/17/2010 | (794859) |
| 144 | 05/04/2010 | (798103) |
| 145 | 05/28/2010 | (799325) |
| 146 | 05/20/2010 | (799736) |
| 147 | 05/02/2010 | (799813) |
| 148 | 05/02/2010 | (799891) |
| 149 | 05/02/2010 | (800228) |
| 150 | 06/14/2010 | (801386) |
| 151 | 05/26/2010 | (802185) |
| 152 | 06/10/2010 | (802838) |
| 153 | 06/10/2010 | (802848) |
| 154 | 06/03/2010 | (802860) |
| 155 | 06/10/2010 | (802863) |
| 156 | 06/10/2010 | (803027) |
| 157 | 06/10/2010 | (803033) |
| 158 | 06/10/2010 | (803036) |

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| 159 | 02/25/2010 | (804793) |
| 160 | 07/23/2009 | (804794) |
| 161 | 08/24/2009 | (804795) |
| 162 | 07/28/2009 | (804796) |
| 163 | 10/23/2009 | (804797) |
| 164 | 11/23/2009 | (804798) |
| 165 | 01/11/2010 | (804799) |
| 166 | 01/22/2010 | (804800) |
| 167 | 06/24/2010 | (826701) |
| 168 | 07/31/2010 | (826906) |
| 169 | 07/07/2010 | (829616) |
| 170 | 07/31/2010 | (829678) |
| 171 | 03/22/2010 | (830932) |
| 172 | 04/20/2010 | (830933) |
| 173 | 05/20/2010 | (830934) |
| 174 | 09/20/2010 | (845991) |
| 175 | 06/21/2010 | (846284) |
| 176 | 10/12/2010 | (849506) |
| 177 | 09/20/2010 | (858076) |
| 178 | 07/21/2010 | (860879) |
| 179 | 09/16/2010 | (864081) |
| 180 | 10/04/2010 | (865152) |
| 181 | 08/20/2010 | (866847) |
| 182 | 09/22/2010 | (873917) |
| 183 | 11/29/2010 | (877136) |
| 184 | 11/29/2010 | (877387) |
| 185 | 11/29/2010 | (877809) |
| 186 | 11/29/2010 | (877923) |
| 187 | 10/20/2010 | (881518) |
| 188 | 01/19/2011 | (884655) |

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| 189 | 01/21/2011 | (887844) |
| 190 | 11/18/2010 | (888044) |
| 191 | 01/19/2011 | (891097) |
| 192 | 02/03/2011 | (893116) |
| 193 | 12/15/2010 | (896259) |
| 194 | 02/23/2011 | (899236) |
| 195 | 01/20/2011 | (902320) |
| 196 | 04/27/2011 | (908688) |
| 197 | 02/15/2011 | (909102) |
| 198 | 05/11/2011 | (912705) |
| 199 | 04/18/2011 | (912901) |
| 200 | 09/23/2011 | (914298) |
| 201 | 05/13/2011 | (915078) |
| 202 | 05/31/2011 | (915887) |
| 203 | 03/16/2011 | (916357) |
| 204 | 05/11/2011 | (920115) |
| 205 | 05/12/2011 | (920338) |
| 206 | 05/31/2011 | (920748) |
| 207 | 07/19/2011 | (922140) |
| 208 | 04/11/2011 | (924832) |
| 209 | 06/25/2011 | (934105) |
| 210 | 05/18/2011 | (938043) |
| 211 | 07/29/2011 | (943444) |
| 212 | 08/31/2011 | (944761) |
| 213 | 06/14/2011 | (945411) |
| 214 | 10/12/2011 | (948798) |
| 215 | 07/13/2011 | (952639) |
| 216 | 09/22/2011 | (956748) |
| 217 | 11/30/2011 | (957738) |
| 218 | 11/29/2011 | (958427) |
| 219 | 08/16/2011 | (959321) |

220 10/26/2011 (962475)

221 11/29/2011 (964044)

222 11/29/2011 (965080)

223 09/16/2011 (965354)

224 11/29/2011 (969098)

225 10/17/2011 (971394)

226 01/09/2012 (974177)

227 11/17/2011 (977553)

228 01/31/2012 (981940)

229 02/28/2012 (982204)

230 12/13/2011 (984321)

231 02/19/2012 (987680)

232 01/16/2012 (990621)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/10/2007 (555087)CN600128284

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)

Description: Failed to provide an air gap connection to waste for the FTW connection at the Facility.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L)

Description: Failure to provide a well blow -off that is not subject to submergence.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)

Description: Failed to identify the chlorine dioxide line every five feet either by the use of a label or by various colors of paint.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)

Description: Failure to complete the December 2006 surface water monthly operating report (SWMOR) with the proper contact time (CT) numbers.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)

Description: Failure to monitor and record the quantity of water used each day for backwashing as required by the water system's exception to the rule for a backwash flow meter.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(i)

Description: Failure to calibrate the benchtop pH meter according to manufacturer's specifications at least once a day.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)

Description: Failure to check the calibration of the benchtop turbidimeter with secondary standards each time a series of samples is tested.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)

Description: Failure to calibrate the online turbidimeters with primary standards at least once

every 90 days.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)
 Description: Failure to provide unexpired buffer solutions to calibrate the benchtop pH meter.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)
 Description: Failure to install and test an appropriate backflow prevention assembly before the bulk water loading station at Well #3.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
 Description: Failure to maintain an adequate free chlorine residual.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iii)
 Description: Failure to calibrate the online pH meter according to manufacturer's specifications at least once every 30 days.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iv)
 Description: Failure to check the calibration of the online pH meter at least once each week with a primary standard or by comparing the results from the online unit with the results from a properly calibrated benchtop unit.

Date: 08/02/2007 (645510) CN600128284
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(2)
 Description: BACT - NONACUTE MCL (5% OR >1)

Date: 08/31/2007 (567177) CN600128284
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 9176, Special Condition 3E PERMIT
 O-02001, Special Condition 1A OP
 O-02001, Special Condition 8 OP
 Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Report for FOP O-02001 covering the reporting period of April 11, 2006, to October 10, 2006.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02001, Special Condition 1A OP
 Description: Failure to monitor a pressure relief device (PRD) within 24 hours after the PRD has failed as reported in the Deviation Report for FOP O-02001 covering the reporting period of April 11, 2006, to October 10, 2006.

Date: 09/01/2007 (645773) CN600128284
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)
 Description: PUBLIC NOTICE

Date: 12/31/2007 (607569) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/11/2008 (598658) CN600128284
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

49076, Special Condition 5A PERMIT
5C THSC Chapter 382 382.085(b)
O-01901, General Terms and Conditions OP
O-01901, Special Condition 1A OP
O-01901, Special Condition 7 OP

Description: Failure to conduct daily opacity inspections of filters required by TCEQ Permit 49076 Special Condition 5 as reported in the Deviation Reports for FOP O-01901 covering the reporting periods of October 11, 2006, to April 10, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027(a)
5C THSC Chapter 382 382.085(b)
O-02074, General Terms and Conditions OP
O-02074, Special Condition 1A OP
O-02074, Special Condition 1H OP

Description: Failure to conduct the initial monitoring of 1455 connectors located in the Ethylene Area as reported in the Deviation Report for FOP O-02074 covering the reporting period of October 11, 2006, through April 10, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.114(b)(1)
5C THSC Chapter 382 382.085(b)
914, Special Condition 10E PERMIT
O-02074, General Terms and Conditions OP
O-02074, Special Condition 15 OP
O-02074, Special Condition 1A OP
O-02074, Special Condition 1H OP
O-02074, Special Condition 1I OP

Description: Failure to install a cap, blind flange, plug or second valve on 28 open-ended lines in the Ethylene Unit as reported in the Deviation Report for FOP O-02074 covering the reporting period of October 11, 2006, to April 10, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
914, Special Condition 14B(2) PERMIT
O-02074, General Terms and Conditions OP
O-02074, Special Condition 15 OP
O-02074, Special Condition 1A OP

Description: Failure to perform Cylinder Gas Audits (CGA) at Cracking Header BA-99 (EPN PK-14) for the second, third, and fourth quarters of 2006, and the first quarter of 2007 as reported in the Deviation Report for FOP O-02074 covering the reporting period of October 11, 2006, to April 10, 2007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(i)(B)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(e)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(11)
5C THSC Chapter 382 382.085(b)
O-02074, General Terms and Conditions OP
O-02074, Special Condition 1A OP

Description: Failure to comply with the percent limit as reported in the Deviation Report for FOP O-02074 covering the reporting period of October 11, 2006, to April 10, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

O-02074, General Terms and Conditions OP
O-02074, Special Condition 1A OP

Description: Failure to report a deviation in the submitted Deviation Report for the reporting periods of April 11, 2006, through October 10, 2006, and October 11, 2006, through April 10, 2007.

Date: 02/29/2008 (672084) CN600128284

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2008 (672085) CN600128284

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2008 (672086) CN600128284

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 05/16/2008 (657011) CN600128284

Self Report? NO Classification: Moderate

Citation: PC1c PERMIT

Description: Failure by E. I. Dupont De Nemours and Company-Sabine River Works to respond to a Notice of Violation dated 05/26/2006.

Date: 05/19/2008 (646399) CN600128284

Self Report? NO Classification: Minor

Citation: 20204, Special Condition 3E PERMIT
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02055, General Terms and Conditions OP
O-02055, Special Condition 1A OP
O-02055, Special Condition 8 OP

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Reports for FOP O-02055 covering the reporting periods of July 15, 2006, through January 14, 2007; January 15, 2007, through July 14, 2007; and July 15, 2007, through January 14, 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02055, General Terms and Conditions OP
O-02055, Special Condition 1A OP

Description: Failure to monitor a relief valve within 24 hours after a release as reported in the Deviation Reports for FOP O-02055 covering the reporting periods of July 15, 2006, through January 14, 2007, and January 15, 2007, through July 14, 2007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.130(d)(7)
30 TAC Chapter 117, SubChapter G 117.8140(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02055, General Terms and Conditions OP
O-02055, Special Condition 1A OP

Description: Failure to perform quarterly Nitrogen Oxide (NOx) monitoring for D1 Recycle as reported in the Deviation Report for FOP O-02055 covering the reporting period of

July 15, 2006, through January 14, 2007.

Self Report? NO Classification: Moderate
Citation: 20204, Special Condition 13 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
O-02055, General Terms and Conditions OP
O-02055, Special Condition 1A OP
O-02055, Special Condition 8 OP

Description: Failure to maintain the Regenerative Thermoxidizer (RTO) Exhaust temperature equal to or greater than 1500 degrees Fahrenheit when waste gas is directed to the RTO as reported in the Deviation Reports for FOP O-02055 covering the reporting periods of January 15, 2007, through July 14, 2007 and July 15, 2007, through January 14, 2008.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)(iii)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02055, General Terms and Conditions OP
O-02055, Special Condition 1A OP
O-02055, Special Condition 4B(v) OP

Description: Failure to maintain records of the last leak testing of each tank-truck as reported in the Deviation Report for FOP O-02055 covering the reporting period of January 15, 2007, through July 14, 2007.

Self Report? NO Classification: Minor
Citation: 20204, Special Condition 6D PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02055, General Terms and Conditions OP
O-02055, Special Condition 1A OP
O-02055, Special Condition 8 OP

Description: Failure to record the average hourly values for the analyzer on the C/D/G Flare as reported in the Deviation Report for FOP O-02055 covering the reporting period of January 15, 2007, through July 14, 2007.

Date: 07/11/2008 (646408) CN600128284

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP O-02331 General Terms and Conditions OP

Description: Failure to report all deviations in a semi-annual deviation report.

Date: 08/01/2008 (680399) CN600128284

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
9176 Special Condition 3E PERMIT
O-02001 General Terms and Conditions OP
O-02001 Special Condition 1A OP
O-02001 Special Condition 8 OP

Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Report for FOP O-02001 covering the reporting period of April 11, 2007, to October 10, 2007.

Date: 08/14/2008 (681995) CN600128284

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 1, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)
5C THSC Chapter 382 382.085(b)
O-01896, General Terms and Conditions OP
O-01896, Special Condition 1A OP

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Reports for FOP O-01896 covering the reporting periods of September 1, 2006, through February 28, 2007, and March 1, 2007, through August 31, 2007.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

O-01896, General Terms and Conditions OP

Description: Failure to report all deviations in a semi-annual deviation report.

Date: 09/30/2008 (710792) CN600128284

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2008 (710793) CN600128284

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/23/2008 (707184) CN600128284

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 15 OP
Special Condition 1A OP
Special Condition 4C PERMIT

Description: Failure to prevent visible emissions at the Flare CB-801, EPN PK-16, as reported in the Deviation Reports for FOP O-02074 covering the reporting periods of April 11, 2007, to October 10, 2007, and from October 11, 2007, to April 10, 2008.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.114(b)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 15 OP
Special Condition 1A OP
Special Condition 9E PERMIT

Description: Failure to install a cap, blind flange, plug or second valve on 11 open-ended lines in the Ethylene Unit as reported in the Deviation Reports for FOP O-02074 covering the reporting periods of April 11, 2007, to October 10, 2007, and from October 11, 2007, to April 10, 2008.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 14 OP

Description: Failure to conduct a opacity observation for the stack heater, EPN PK-4, as reported in the Deviation Report for FOP O-02074 covering the reporting period of April 11, 2007, to October 10, 2007.

Date: 02/20/2009 (727160) CN600128284
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter B 117.105(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 9629, Special Condition 7 PERMIT
 O-02331, General Terms and Conditions OP
 O-02331, Special Condition 6 OP
 Description: Failure to maintain a Nitrogen Oxide (NOx) concentration below 42 parts per million by volume (ppmv) as reported in the deviation report for FOP O-02331 covering the reporting period of February 5, 2008, to August 4, 2008.
 B19(g)(1)

Date: 04/16/2009 (740516) CN600128284
 Self Report? NO Classification: Moderate
 Citation: 20204 Special Condition 1 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02055 General Terms and Conditions OP
 FOP O-02055 Special Condition 8 OP
 Description: Failure to maintain an emission rate below the allowable emission limits.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02055 General Terms and Conditions OP
 FOP O-02055 Special Condition 2F OP
 Description: Failure to submit an initial report within 24 hours for TCEQ Incident No. 120320.

Date: 04/22/2009 (738332) CN600128284
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 335, SubChapter F 335.152(a)(18)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1056(a)
 40 CFR Part 61, Subpart V 61.242-6
 50230 Section X(A)(2)(a) PERMIT
 5C THSC Chapter 382 382.085(b)
 O-01896, General Terms and Conditions OP
 O-01896, Special Condition 19 OP
 O-01896, Special Condition 1A OP
 Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment as reported in the deviation report for FOP O-01896 covering the reporting period of September 1, 2007, through February 29, 2008.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.620
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(l)(1)(ii)
 5C THSC Chapter 382 382.085(b)
 O-01896, General Terms and Conditions OP
 O-01896, Special Condition 1A OP
 O-01896, Special Condition 1E OP
 Description: Failure to maintain the pH above the minimum established limit as reported in the deviation report for FOP O-01896 covering the reporting period of September 1, 2007, through February 29, 2008.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.620

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(m)(1)
 5C THSC Chapter 382 382.085(b)
 O-01896, General Terms and Conditions OP
 O-01896, Special Condition 1A OP
 O-01896, Special Condition 1E OP

Description: Failure to maintain the pressure drop above the minimum established limit as reported in the deviation report for FOP O-01896 covering the reporting period of September 1, 2007, through February 29, 2008.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 50230 Special Condition X(B)(1)(j) OP
 5C THSC Chapter 382 382.085(b)
 O-01896, General Terms and Conditions OP
 O-01896, Special Condition 17 OP

Description: Failure to maintain an emission rate below the allowable emission limits as reported in the deviation report for FOP O-01896 covering the reporting period of February 29, 2008, to September 1, 2008.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01896, General Terms and Conditions OP
 O-01896, Special Condition 1A OP
 O-01896, Special Condition 6B(i) OP

Description: Failure to prevent VOC leaks during transfer operations as reported in the deviation report for FOP O-01896 covering the reporting period of February 29, 2008, to September 1, 2008.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 O-01896, General Terms and Conditions OP

Description: Failure to report a deviation in a timely manner.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(c)
 5C THSC Chapter 382 382.085(b)
 O-01896, General Terms and Conditions OP
 O-01896, Special Condition 1A OP
 O-01896, Special Condition 1E OP

Description: Failure to comply with the feedstream analysis plan as reported in the deviation report for FOP O-01896 covering the reporting period of February 29, 2008, to September 1, 2008.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d)
 5C THSC Chapter 382 382.085(b)
 O-01896, General Terms and Conditions OP
 O-01896, Special Condition 1A OP

Description: Failure to mark each piece of equipment as reported in the deviation report for FOP O-01896 covering the reporting period of February 29, 2008, to September 1, 2008.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01896, General Terms and Conditions OP
 O-01896, Special Condition 1A OP

Description: Failure to maintain a daily record of material loaded as reported in the deviation report for FOP O-01896 covering the reporting period of February 29, 2008, to September 1, 2008.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01896, General Terms and Conditions OP
O-01896, Special Condition 1A OP
Description: Failure to leak test all tank-truck tanks within one year in accordance with 30 TAC 115.234 as reported in the deviation report for FOP O-01896 covering the reporting period of February 29, 2008, to September 1, 2008.

Date: 06/22/2009 (746088) CN600128284

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 1, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 7E PERMIT
Special Condition 9 OP
Description: Failure to install a cap, blind flange, plug or second valve on open-ended lines as reported in the deviation report for FOP O-01895 covering the reporting period of June 23, 2007, to December 22, 2007.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 5 OP
Special Condition 5A PERMIT
Description: Failure to conduct daily opacity inspections as reported in the deviation reports for FOP O-01901 covering the reporting periods of June 23, 2007, through December 22, 2007, and June 23, 2008, through December 22, 2008.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 3E PERMIT
Special Condition 8 OP
Description: Failure to install a cap, blind flange, plug or second valve on open-ended lines as reported in the deviation reports for FOP O-02055 covering the reporting periods of January 15, 2008, to July 14, 2008, and July 15, 2008, to January 14, 2009.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)(iii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Description: Failure to maintain a daily record of the last leak testing of each tank-truck tank as required by 30 TAC 115.216.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to report a deviation in a timely manner as reported in the deviation report for FOP O-01901 covering the reporting period of June 23, 2008, through December 22, 2008, and for FOP O-02055 covering the reporting period of July 15, 2007, through January 14, 2007, and July 15, 2007, through January 14,

2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 5 OP
Special Condition 5 PERMIT

Description: Failure to inspect all filter vents for visible emissions once each day as required by Special Condition 5 of NSR 49076.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to maintain flare operation logs in accordance with 30 TAC 111.111(a)(4)(A)(ii).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8140(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to conduct periodic testing for stationary internal combustion engine (EPN PL-7B) in accordance with 30 TAC 117.8000(b).

Date: 07/29/2009 (748798) CN600128284

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to make a first attempt at repair within five days for nine leaking components as reported in the deviation report for the reporting period of April 11, 2008, through October 10, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 3E PERMIT
Special Condition 8 OP

Description: Failure to operate with a cap, blind flange, plug or a second valve installed on equipment in VOC service as reported in the Deviation Reports for FOP O-02001 covering the reporting period of October 11, 2008 through April 10, 2009.

Date: 11/23/2009 (781997) CN600128284

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 15 OP
SC 1A OP
SC 3A(i) OP
SC 4C PERMIT

Description: Failure to maintain opacity limits. B18

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
 SC 1 PERMIT
 SC 15 OP
 SC 1A OP

Description: Failure to maintain carbon monoxide emission limits. B18
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 15 OP
 SC 1A OP
 SC 9E OP

Description: Failure to maintain a line with a cap, blind flange, plug, or second valve in VOC service. C10
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 113, SubChapter C 113.520
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
 5C THSC Chapter 382 382.085(b)
 SC 10E PERMIT
 SC 15 OP
 SC 1A OP
 SC 1F OP

Description: Failure to maintain a line with a cap, blind flange, plug, or second valve in Benzene service. C10

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 15 OP
 SC 1A OP
 SC 7 PERMIT

Description: Failure to conduct monthly VOC monitoring.

Date: 01/12/2010 (783397) CN600128284
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter S 106.433(7)(D)
 30 TAC Chapter 106, SubChapter S 106.433(9)
 30 TAC Chapter 116, SubChapter H 116.770(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SC 5 OP

Description: Failure to obtain a permit or meet the conditions of a permit by rule.

Date: 01/29/2010 (785879) CN600128284
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(3)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 SC 5A PERMIT
 SC 7 OP

Description: Failure to inspect all filter vents for visible emissions on a daily basis.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 6 OP

Description: Failure to obtain a permit or meet the conditions of a permit by rule.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP
SC 3E PERMIT
SC 8 OP

Description: Failure to maintain a line with a cap, blind flange, plug, or second valve in volatile organic compound service.

Date: 05/20/2010 (799736) CN600128284

Self Report? NO Classification: Minor

Citation: M&RR 2 PERMIT

Description: Failure by DuPont to comply with the test procedures for the analysis of pollutants as specified in 30 TAC 319.11- 319.12: the total chlorine residual measurements are not corrected for manganese interference.

Self Report? NO Classification: Minor

Citation: OR 7 PERMIT

Description: Failure by DuPont to accurately report monitoring results on the approved TPDES self reporting form: effluent parameters with specified maximum analytical limits (MAL) were not properly reported.

Self Report? NO Classification: Moderate

Citation: M&RR 7 PERMIT

Description: Failure by DuPont to submit noncompliance notification for effluent violation which deviates from the permitted effluent limitation by greater than 40%.

Date: 05/28/2010 (799325) CN600128284

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)
5C THSC Chapter 382 382.085(b)
SC 1A OP
SC 1E OP

Description: Failure to maintain the maximum operating pressure at the Incinerator (EPN INC-001) as reported in the deviation reports for September 1, 2008, until February 28, 2009, and March 1, 2009, until August 31, 2009.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)
5C THSC Chapter 382 382.085(b)
SC 1A OP
SC 1E OP

Description: Failure to maintain the minimum operating temperature at the Incinerator Stack as reported in the deviation report for March 1, 2009, until August 31, 2009.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)
5C THSC Chapter 382 382.085(b)
SC 1A OP
SC 1E OP

Description: Failure to maintain the minimum operating temperature at the Kiln as reported in the deviation report for March 1, 2009, until August 31, 2009.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(2)
5C THSC Chapter 382 382.085(b)
SC 1A OP
SC 1E OP

Description: Failure to maintain a Carbon Monoxide Continuous Emission Monitoring System

(CEMS) at the Incinerator Stack as reported in the deviation report for March 1, 2009, until August 31, 2009.

Date: 06/25/2010 (826701) CN600128284

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP
SC 4E PERMIT
SC 8 OP

Description: Failure to maintain a line with a cap, blind flange, plug, or second valve in VOC service. C10

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP
SC 4F and 4G PERMIT
SC 8 OP

Description: Failure to conduct quarterly volatile organic compound (VOC) monitoring as noted in the SDR covering April 11, 2009, until October 10, 2009. B19g1

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 7 OP

Description: Failure to monitor a relief valve within 24 hours of venting to atmosphere as noted in the SDR covering October 11, 2009 until April 10, 2010. B19g1

Date: 11/30/2010 (877923) CN600128284

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to conduct volatile organic compound (VOC) monitoring on a quarterly basis. (Investigation 877136)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 5 OP
SC 5A PERMIT

Description: Failure to conduct a daily opacity check. (Investigation 877136)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP
SC 3E PERMIT

Description: Failure to maintain a cap, blind flange, plug, or second valve in VOC service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP
SC 3G PERMIT

Description: Failure to conduct quarterly VOC monitoring at the Critical Chilled Water System. (Investigation #877387)

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|--------------|--|-----------------|----------|
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 115, SubChapter D 115.354(11) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1A OP SC 3E PERMIT | | |
| Description: | Failure to conduct pressure testing of lines at the DG-Unit placed in VOC service. (Investigation #877387) | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 115, SubChapter B 115.126(1)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1A OP | | |
| Description: | Failure to maintain a minimum of 300 British Thermal Units (BTUs) at the CDG Flare (EPN PL-22). (Investigation #877387) | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 113, SubChapter C 113.890 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4) 5C THSC Chapter 382 382.085(b) SC 1A OP SC 6C PERMIT | | |
| Description: | Failure to control visible emissions from a gas flare. (Investigation #877387) | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 115, SubChapter C 115.212(a)(1)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1A OP SC 4A PERMIT | | |
| Description: | Failure to properly operate a vapor balance system. (Investigation #877387) | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) GENERAL TERMS AND CONDITIONS OP | | |
| Description: | Failure to report a deviation. (Investigation #877387) | | |
| Self Report? | NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1A OP SC 9E PERMIT | | |
| Description: | Failure to maintain a line with a cap, blind flange, plug, or a second valve in VOC service. (Investigation #877923) | | |
| Self Report? | NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 113, SubChapter C 113.520 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1) 5C THSC Chapter 382 382.085(b) SC 10E PERMIT SC 1H OP | | |
| Description: | Failure to maintain a line with a cap, blind flange, plug, or a second valve in benzene service. (Investigation #877923) | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 115, SubChapter D 115.354(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1A OP SC 9F, 9G PERMIT | | |
| Description: | Failure to monitor VOC components on a quarterly basis in the Ethylene Unit. (Investigation #877923) | | |

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP
SC 9E PERMIT
Description: Failure to conduct weekly olfactory, visual, and audible (OVA) inspections of dimethyl sulfide components at the Ethylene Unit. (Investigation #877923)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 11 PERMIT
SC 1A OP
Description: Failure to monitor dimethyl sulfide components on a quarterly basis in the Ethylene Unit.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b)(3)
5C THSC Chapter 382 382.085(b)
SC 1A OP
SC 9F, 9G PERMIT
Description: Failure to monitor benzene components on a quarterly basis in the Ethylene Unit. (Investigation #877923)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THSC Chapter 382 382.085(b)
SC 1A OP
Description: Failure to conduct carbon bed monitoring on a daily basis. (Investigation #877923)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 115, SubChapter D 115.354(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(c)
5C THSC Chapter 382 382.085(b)
SC 1A OP
Description: Failure to monitor difficult-to-monitor components at the Ethylene Unit. (Investigation #877923)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP
SC 9H PERMIT
Description: Failure to tag two leaking valves at the Ethylene Unit. (Investigation #877923)

Date: 12/13/2010 (920338) CN600128284
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
Description: TCR MCL Violation 12/2010 - System exceeded a Maximum Contaminant Level (MCL) Violation.

Date: 02/11/2011 (920115) CN600128284
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)
Description: GWR Triggered Source Monitoring Violation 11/2010 - Failure to collect any triggered source monitoring sample(s) following a coliform found result.

Date: 02/25/2011 (920338) CN600128284
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)
Description: GWR Triggered Source Monitoring Violation 12/2010 - Failure to collect any triggered source monitoring sample(s) following a coliform found result for two wells.

Date: 05/13/2011 (915078) CN600128284
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(ii)
5C THSC Chapter 382 382.085(b)
SC 1A OP
Description: Failure to maintain a lid on a waste container.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THSC Chapter 382 382.085(b)
SC 1A OP
Description: Failure to conduct daily monitoring.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
SC 1A OP
Description: Failure to report a deviation.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.325
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 61, Subpart V 61.242-6
5C THSC Chapter 382 382.085(b)
SC 1A OP
Description: Failure to cap two open-ended lines.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(c)(2)
5C THSC Chapter 382 382.085(b)
SC 1E OP
Description: Failure to obtain waste approval prior to incineration.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(c)(2)
5C THSC Chapter 382 382.085(b)
SC 1E OP
Description: Failure to revise the feedstream analysis plan.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
SC 1A OP
Description: Failure to report a deviation.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP
Description: Failure to maintain permit representations of Hazardous Waste Permit 50230.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to report a deviation.

Date: 06/28/2011 (934105) CN600128284

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter G 117.8140(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to conduct quarterly monitoring.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP
SC 4E PERMIT
SC 8 OP

Description: Failure to maintain a line with a cap, blind flange, plug, or second valve in VOC service.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 13(C)(3) PERMIT
SC 1A OP
SC 8 OP

Description: Failure to use the proper calibration gas.

Date: 11/29/2011 (957738) CN600128284

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(l)

Description: Failure to meet the requirements of the filter-to-waste air gap exception.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to repair the SCADA system.

Date: 11/30/2011 (965080) CN600128284

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THSC Chapter 382 382.085(b)
SC 10E PERMIT
SC 1A OP

Description: Failure to cap open-ended lines.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP
SC 9E PERMIT

Description: Failure to cap open-ended lines.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP

SC 8 PERMIT

Description: Failure to perform daily zero checks at the Cooling Tower (EPN PK-38).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to report a deviation.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to maintain a VOC limit.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to maintain the representations of NSR Permit 914.

Date: 11/30/2011 (969098) CN600128284
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to report a deviation.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 61, Subpart V 61.242-6
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to cap open-ended lines.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to maintain a flowmeter span.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(5)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to operate the HW Incinerator as required.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(ii)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to maintain a lid on a waste container.

Date: 11/30/2011 (964044) CN600128284
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
 SC 1A OP
 SC 3E PERMIT
 Description: Failure to maintain a cap, blind flange, plug, or second valve in VOC service.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 SC 6D PERMIT
 Description: Failure to maintain records at the CDG Flare.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 13 PERMIT
 SC 1A OP
 Description: Failure to maintain chamber temperature at the West Regenerative Thermal Oxidizer.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 Description: Failure to conduct timely monitoring of a pressure relief valve.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 SC 6B PERMIT
 Description: Failure to maintain a continuous flame at the CDG Flare (EPN PL-22).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter G 117.8140(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 Description: Failure to conduct quarterly monitoring.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 SC 23(C) PERMIT
 Description: Failure to calibrate the LEL Detector with a gas equivalent to 25% of the LEL.
 Date: 12/31/2011 (990621) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/10/2012 (974177) CN600128284
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 SC 5A PERMIT
 Description: Failure to record daily visible emissions readings on all filter vents.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(1)(C)

5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to submit a Semiannual Deviation Report (SDR) in a timely manner.

Date: 03/06/2012 (612803) CN600128284

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
30 TAC Chapter 335, SubChapter E 335.112(a)(8)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174

Description: E. I. Dupont SRW failed to maintain records of weekly inspections for a period of three years.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
30 TAC Chapter 335, SubChapter E 335.112(a)(8)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)

Description: EIDSRW failed to keep containers of hazardous waste closed when not adding waste.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(b)(3)

Description: The stormwater collection sump near NOR no. 34 contained an excessive amount of stormwater. This stormwater appeared to contain hazardous waste generated/stored at the site.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.153
40 CFR Chapter 264, SubChapter I, PT 264, SubPT D 264.56

Description: EIDSRW failed to maintain safety equipment as required by TCEQ Permit no. 50230, Table 3.E., Equipment Equipment.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
E. I. DU PONT DE NEMOURS
AND COMPANY
RN100542711**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-0624-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E. I. du Pont de Nemours and Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical plant at 3055 Farm-to-Market Road 1006 in Orange, Orange County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 4, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty Thousand Two Hundred Fifty-One Dollars (\$20,251) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Eight Thousand One Hundred One Dollars (\$8,101) of the administrative penalty and Four Thousand Fifty Dollars (\$4,050) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Eight Thousand One Hundred Dollars (\$8,100) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. By January 10, 2012, revised the No. 2 Hyper Compressor's start-up procedure and incorporated a checklist to assist operators in ensuring all valves have been properly operated prior to startup, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 159592;
 - b. By January 16, 2012, trained personnel and re-emphasized with D-Unit operators the importance of adhering to procedures, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 163480; and
 - c. By March 23, 2012, developed a process requiring approval prior to work for the D and G Unit fire protection circuits, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 162536.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 20204, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") O2055, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 26, 2012. Specifically, 720 pounds ("lbs") of ethylene, 234 lbs of vinyl acetate, and 20 lbs of carbon monoxide were released from the D Unit's No. 2 Hyper Compressor during an emissions event that began on September 24, 2011, and lasted for one minute (Incident Number 159592). The event occurred when a discharge rupture disc failed due to a discharge guard valve that was left in the closed position. Since this emissions event could have been avoided through better maintenance and/or operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 20204, SC No. 1, FOP O2055, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 26, 2012. Specifically, 638 lbs of ethylene and 248 lbs of vinyl acetate were released from the D Unit's No. 4 Recycle Compressor during an emissions event that began on December 7, 2011, and lasted for five hours and 28 minutes (Incident Number 162536). The event occurred when the fire protection system at the G Unit caused the No. 4 Recycle Compressor to shut down resulting in a release to the atmosphere via the No. 4 Recycle Compressor (Emissions Point Number PL-5N). Since this emissions event could have been avoided through better maintenance and/or operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 20204, SC No. 1, FOP O2055, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during a record review conducted on January 26, 2012. Specifically, 4,079 lbs of ethylene were released from the D Unit's atmospheric vent during an emissions event that began on January 7, 2012, and lasted for 40 minutes (Incident Number 163480). The event occurred when a valve was left in the open position. Since this emissions event could have been avoided through better maintenance and/or operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E. I. du Pont de Nemours and Company, Docket No. 2012-0624-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eight Thousand One Hundred Dollars (\$8,100) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the

Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Tom Devine
For the Executive Director

2/15/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

John R. Laughlin
Signature

11-13-2012
Date

JOHN R. LAUGHLIN
Name (Printed or typed)
Authorized Representative of
E. I. du Pont de Nemours and Company

SITE MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2012-0624-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|-------------------------------|--|
| Respondent: | E. I. du Pont de Nemours and Company |
| Penalty Amount: | Sixteen Thousand Two Hundred One Dollars (\$16,201) |
| SEP Offset Amount: | Eight Thousand One Hundred Dollars (\$8,100) |
| Type of SEP: | Pre-approved |
| Third-Party Recipient: | Texas PTA - <i>Texas PTA Clean School Buses</i> |
| Location of SEP: | Texas Air Quality Control Region 106 - Southern Louisiana - Southeast Texas |

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas PTA** for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

b. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today's level and by reducing hydrocarbons.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order with the contribution to:

Director of Finance
Texas PTA
7600 Chevy Chase Drive
Building 2, Suite 300
Austin, Texas 78752

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

E. I. du Pont de Nemours and Company
Agreed Order - Attachment A

In the event of incomplete performance, Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.